

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

ASHLEY FLEMING, *et al.*,

Plaintiffs,

vs.

TOR BJORNSTAD, *et al.*,

Defendants.

**NO. 3:12-cv-05247 BHS**

**ORDER DENYING IN PART  
AND GRANTING IN PART  
DEFENDANTS' MOTION IN  
LIMINE REGARDING MENTAL  
HEALTH EXPERTS FOR  
PLAINTIFF**

Present consideration date:  
December 6, 2013

PAUL FRENCH,

Plaintiff,

vs.

TOR BJORNSTAD, *et al.*,

Defendants.

THIS MATTER came before the Court on Defendants' Motion in Limine Regarding Mental Health Experts for Plaintiff. The Court considered the records and files herein, including Plaintiff's Response to Defendant's Motion in Limine and Defendants' Reply in Support of Motion in Limine Re Mental Health Experts for Plaintiff. Now, therefore,

IT IS HEREBY ORDERED that Defendants' Motion in Limine Regarding Mental Health Experts for Plaintiff is denied in part and granted in part.


The motion is partially denied, in that plaintiff may testify regarding what he claims to have felt and what he claims to have done as a result of the April 8,

1 2010 arrest and his father may testify regarding changes in plaintiff and the  
2 conduct of plaintiff that he claims to have personally observed after the April 8,  
3 2010 arrest. Neither may use the term "mental illness" or any like term that  
4 suggests mental illness.

5 The motion is granted, in that no further evidence or mention of mental  
6 illness may be presented or mentioned to the jury in any fashion, including:

- 7 • any treatment or diagnosis of mental illness; and
- 8 • any disability status, such as Social Security Income, arising from  
9 treatment or diagnosis of mental illness.

10 DATED this 12<sup>th</sup> day of December, 2013.  
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15 BENJAMIN H. SETTLE  
16 United States District Judge  
17  
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19 **Presented by:**

20 LAW, LYMAN, DANIEL,  
21 KAMERRER & BOGDANOVICH

22 /s/ Donald L. Law

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